

H-3100-1 - OIL AND GAS LEASING

Chapter

Format for Preparing Decisions and Dismissing Protests



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

IN REPLY
REFER TO:
Serial No.
Subject Function Code (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

: Noncompetitive Oil and Gas
: Lease offer
: Filed: (Date)
:
:

Application Rejected in Part

Your offer is rejected as to the following lands which are included in oil and gas lease issued pursuant to prior application as follows:

<u>Serial Number</u>	<u>Date Filed</u>	<u>Land:</u>
<u>Adverse Party</u>		Willamette Meridian, Oregon

You have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your Notice of Appeal must be filed in this office so the case file can be transmitted to the Board. A copy of your Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor as shown on Form 1842-1. It is also requested that you send a copy of any statement of reasons, written arguments, or briefs to the office issuing the decision appealed. In taking an appeal, there must be strict compliance with the regulations.

If you appeal from this decision, the adverse party on whom you must also serve copies of your appeal, statement of reasons, etc. is:

Refund of advance rental for the rejected lands will be authorized when this decision is final. We will retain the filing fee and the rental amount required to cover any lands remaining in the offer. If you do not intend to appeal from this decision, you may expedite the refund by filing a withdrawal of your offer as to the rejected lands.

Authorized Officer

Enclosure:
Form 1842-1

Distribution:
(Appropriate District Office)

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

IN REPLY
REFER TO:

Serial No.

Subject Function Code (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

DECISION

: Noncompetitive
: Oil and Gas Lease
: Issued Effective: (Date)
:
:

Lease Terminated by Cessation of Production

Oil and gas lease (serial number) was issued effective (date) for a 10-year term ending (date) and for so long thereafter as oil or gas is produced in paying quantities.

The District Manager has determined that this lease was no longer capable of producing oil or gas in paying quantities after (date). No approved operations to restore production were commenced within the 60 days allowed under 43 CFR 3107.2-2.

Accordingly, the lease term is exhausted and declared terminated by cessation of production effective (date).

Settlement of royalties or rentals due or payable must be made to Minerals Management Service, if not previously done. Bonds must remain in full force and effect until final abandonment of all wells on the lease has been approved, and the account is settled.

You have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your Notice of Appeal must be filed in this office so the case file can be transmitted to the Board. A copy of your Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor as shown on Form 1842-1. It is also requested that you send a copy of any statement of reasons, written arguments, or briefs to the office issuing the decision appealed. In taking an appeal, there must be strict compliance with the regulations.

Authorized Officer

Enclosure:
Form 1842-1

Distribution:
District Office
(other offices)

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Chapter 1

Format for Preparing Decisions and Dismissing Protests



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

IN REPLY
REFER TO:

Serial No.

Subject Function Code (Office Code)

CERTIFIED MAIL--RETURN RECEIPT REQUESTEDDECISION

:
: Simultaneous
: Oil and Gas Filing
:

Protest Dismissed

We have received your protest of our Notice of Unacceptable Simultaneous Oil and Gas Filing. Your April 1985 filing for 12 parcels, bearing an execution date of April 17, 1985, failed to include the full, proper remittance to cover filing fees and advance rentals for the 12 parcels indicated on the application form. Accordingly, the application was deemed unacceptable, a \$75 processing fee was assessed, and the remainder of fees was refunded, pursuant to 43 CFR 3112.3(b).

The regulations at 43 CFR 3112.2-2 state that "Each Part B application form shall, when filed, be accompanied by a single remittance . . . of an amount sufficient to cover for each parcel included on the Part B application form a nonrefundable filing fee of \$75 and the first year's rental payment. Failure to submit . . . an amount sufficient to cover all the parcels on each Part B application form . . . shall cause the entire filing to be deemed unacceptable." Your protest states that you intended to cover fees for all the parcels except Parcel (number). The Bureau cannot determine the intent of remittance checks or application filings nor can we presume to which of the 12 parcels to apply fees. If, as stated in your protest, you mistakenly marked the application form for a parcel which you knew had previously been removed from the list by the Bureau, it is unfortunate.

Your protest is hereby dismissed. This decision will become final 30 days from receipt, in the absence of an appeal.

You have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your Notice of Appeal must be filed in this office so the case file can be transmitted to the Board. A copy of your Notice of Appeal and of any statement of reasons, written arguments, or briefs must also be served on the Office of the Solicitor as shown on Form 1842-1. It is also requested that you send a copy of any statement of reasons, written arguments, or briefs to the office issuing the decision appealed. In taking an appeal, there must be strict compliance with the regulations.

Authorized Officer

Enclosure
Form 1842-1

Distribution:
(Appropriate District Office)

H-3100-1 - OIL AND GAS LEASING

Chapter

Information on Taking Appeals to the IBLA (Form 1842-1)

Form 1842-1
(February 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL

SOLICITOR
ALSO COPY TO

3. STATEMENT OF REASONS . . . Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

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Chapter 1

Information on Taking Appeals to the IBLA (Form 1842-1)

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

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H-3100-1 - OIL AND GAS LEASING
Chapter 1
Information on Writing Decisions

Purposes of a Decision

Decisions are to inform the party of the:

1. Facts involving the action.
2. Action required by the party.
3. Defects in the offer or application which can be remedied.
4. Requirements of the law or regulation which the party must meet and the time limit for compliance.
5. Those requirements of the law or regulation which the party has failed to meet or cannot now meet.
6. Remedial action which the party can take to comply.
7. Penalty for failure to take remedial action.
8. Penalty for having failed to meet legal or regulatory requirements which cannot now be met because of expiration of time.
9. The right of appeal.

Function of a Decision

Decisions are to:

1. Put into writing the purposes of the decision and to complete the written record of action taken in connection with the offer or application under consideration.
2. Satisfy the requirements of the law (Administrative Procedures Act (5 U.S.C. 551, et seq.)), which requires that the agency shall make available for public inspection and for copying final opinions, and orders, made in the adjudication of cases.
3. Constitute the basis for the decision by the Interior Board of Land Appeals.
4. Provide the element of the record for consideration by the IBLA.
5. Reduce to writing the adjudicative process
6. Dispose of a case in a certain way, by setting forth the facts laws, and reasoning which require that disposition.

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Chapter 1

Information on Writing Decisions

Primary Factors in Decision Writing

The writing of a decision involves several primary factors requiring special attention by the writer, including:

1. Realizing that the decision may be of considerable importance to the applicant, to any adverse party, to the Government, and to the general public.
2. Recognizing at all times that the writer is responsible for applying to the facts and circumstances of the particular case the applicable law, Departmental rules and regulations, and policies. This is an important responsibility and requires complete objectivity and knowledge of public land laws, regulations, and other sources of information.
3. Basing the decision on sound facts and logic. It is through a well-reasoned decision that the writer impresses upon the applicant that the case has been given thorough consideration and that the findings are based on the solid foundation of the law, regulations, and precedent. The applicant is more likely to accept such a decision than one which merely recites the facts and a conclusion of law.

An important initial step in writing a decision is to isolate the issue or issues. Since many case records contain complicated situations, some of which have little or no bearing on the actual issue or issues presented, it is important that the factual statement in the decision be confined to a clear, concise recitation of only those facts which relate to the issue or issues to be discussed.

Decision Text

It is important that the decision text contain:

1. A clear concise statement of the facts pertinent to the issue or issues involved in the case.
2. A reference to the controlling law or regulation, setting forth the requirements applicable to the case.
3. A statement of how or why the facts of the case being decided fit into the requirements of the cited law or regulation, how they fail to meet these criteria or requirements, and the citation of the controlling decisions (if necessary, or applicable).

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Chapter 1

Information on Writing Decisions

4. A statement of the ruling or the findings, of the actions the offeror is required to take (if this follows), and of the offer's right of appeal.

Check decisions thoroughly for accuracy of dates, number, citations, names, facts, assumptions, etc. Each decision should always indicate a logical progression of development of both the pertinent facts and the applicable authority.

Before citing the Departmental or court decisions as authority for a particular statement, be sure that the cited decision, in fact, supports the position that has been taken.

Exercise care to exclude all extraneous material from a decision, whether it be of factual or supporting nature. Avoid multiple citations by using the latest citation, since in many cases it will, in turn, cite the earlier references.

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Chapter 1

Transmittal Form Letter to IBLA (Form 1842-2)



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:
Serial No.
Subject Function Code
(Office Code)

Certified Mail Receipt Requested

Memorandum

To: Board of Land Appeals, Office of the Secretary

From: Appropriate BLM Office

Subject: Transmitting Appeal of: (Name of Appellant)

Kind of Application: (Noncompetitive Oil and Gas Leases)

Referring to the above-cited case, I transmitted a notice of an appeal from the decision of the

_____(Appropriate State Office)_____, dated _____(Decision Date)_____, 19____

- ☐ There are no conflicting cases of record.
- ☐ The conflicting cases shown on the status sheet have been properly noted as to the appeal and favorable action thereon suspended pending final action on the appeal.
- ☐ The records of the conflicting or reference cases identified below are transmitted herewith for use in connection with the appeal:

Enclosure:
Case file (1)

CC. BLM; W.O. 620 _____
with copy of decision
Regional Solicitor
with copy of decision